

111TH CONGRESS  
2D SESSION

# H. R. 5423

To amend the Public Utility Regulatory Policies Act of 1978 to provide  
for an annual electric production cost report.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 27, 2010

Mr. FOSTER (for himself, Mr. BARTLETT, and Mr. EHLERS) introduced the  
following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend the Public Utility Regulatory Policies Act of 1978  
to provide for an annual electric production cost report.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Transparent Review  
5       of the Affordability and Cost of Electricity (TRACE) Re-  
6       newable Energy Act of 2010”.

7       **SEC. 2. FINDINGS.**

8       Congress finds the following:

9               (1) Federal energy-specific subsidies and sup-  
10       port to all forms of energy were estimated to be

1       \$16.6 billion in 2007, indicating that total Federal  
2       energy subsidies have more than doubled over the  
3       previous ten years, according to the Federal Finan-  
4       cial Interventions and Subsidies in Energy Markets  
5       2007 report by the Energy Information Administra-  
6       tion.

7           (2) Research, development, and installation of  
8       renewable and other low-emission technologies for  
9       electric power generation have been a high priority  
10      for the 110th and 111th Congresses.

11          (3) There is a growing need for accurate report-  
12      ing on the costs associated with each form of alter-  
13      native energy generation technology because of the  
14      significant Federal action and investment in such  
15      technology.

16          (4) The costs associated with alternative energy  
17      generation technology should be analyzed and made  
18      available to assess the ability of each new technology  
19      to compete in the marketplace, without Federal sub-  
20      sidy or support, and to optimize the deployment of  
21      such technology.

22          (5) The Energy Information Administration has  
23      previously created forms and guidelines to collect the  
24      necessary information for such reporting and has  
25      collected information for several years; however, the

1 program ended due to funding constraints and the  
2 lack of an authorization from Congress.

3 **SEC. 3. ELECTRIC PRODUCTION COST REPORT.**

4 Title II of the Public Utility Regulatory Policies Act  
5 of 1978 is amended by adding after section 214 (16  
6 U.S.C. 824 note) the following:

7 **“SEC. 215. ELECTRIC PRODUCTION COST REPORT.**

8 “(a) ELECTRICITY REPORT.—The Secretary, acting  
9 through the Administrator of the Energy Information Ad-  
10 ministration (in this section referred to as the ‘Adminis-  
11 trator’), shall prepare and publish an annual report, at  
12 the times specified in subsection (c), setting forth the costs  
13 of electricity production per kilowatt hour, by sector and  
14 energy source, for each type of electric energy generation.  
15 The report shall include each of the following for the pe-  
16 riod covered by the report:

17 “(1) The quantity of carbon dioxide emitted per  
18 kilowatt hour.

19 “(2) The cost of electricity generation in cents  
20 per kilowatt hour, or dollars per megawatt hour, for  
21 each type of electric energy generation in the United  
22 States.

23 “(3) The factors used to levelize costs, includ-  
24 ing amortized capital costs, current and projected

1 fuel costs, regular operation and maintenance, pro-  
2 jected equipment, and hardware lifetimes.

3 “(4) The costs for constructing new electric  
4 transmission lines dedicated to, or intended specifi-  
5 cally to benefit, electric generation facilities in each  
6 sector and for each energy source, to the extent  
7 practicable.

8 “(b) COLLECTION AND USE OF DATA.—

9 “(1) DATA COLLECTION.—The Administrator  
10 shall collect data and use all currently available data  
11 necessary to complete the report under subsection  
12 (a). Such data may be collected from any electric  
13 utility, including public utilities, independent power  
14 producers, cogenerating and qualified facilities, and  
15 all State, local, and federally owned power pro-  
16 ducers.

17 “(2) COOPERATION OF OTHER AGENCIES.—The  
18 heads of other Federal departments, agencies, and  
19 instrumentalities of the United States shall assist  
20 with the collection of data as necessary to complete  
21 the report under subsection (a), including the Chair-  
22 man of the Federal Energy Regulatory Commission,  
23 the Administrator of the Rural Utilities Service, the  
24 Director of the Minerals Management Service, and

1 the Administrator of the Environmental Protection  
2 Agency.

3 “(c) ISSUANCE OF REPORTS.—

4 “(1) REPORTS FOR DATA PREVIOUSLY COL-  
5 LECTED.—As soon as practicable, the Administrator  
6 shall prepare and publish reports containing the in-  
7 formation specified in subsection (a) for each year  
8 for which the data was collected before the date of  
9 the enactment of this section.

10 “(2) ANNUAL REPORTS.—

11 “(A) FIRST REPORT.—For the year 2012,  
12 the Administrator shall collect all necessary  
13 data for the completion of the report under sub-  
14 section (a) by January 31, 2013, and shall  
15 issue the report based on that data by June 30,  
16 2013.

17 “(B) SUBSEQUENT ANNUAL REPORTS.—

18 For each year after 2012, the Administrator  
19 shall collect all necessary data for the comple-  
20 tion of the report under subsection (a) by Janu-  
21 ary 31 of the year following the year for which  
22 the data was collected, and shall issue the re-  
23 port based on that data not later than April 30  
24 of the year following the year for which the  
25 data was collected.

1       “(d) REVIEW OF ELECTRICITY REPORT.—Following  
2 the completion of each report under subsection (a), the  
3 Administrator may review the findings with organizations  
4 that have expertise in the energy industry and dem-  
5 onstrated experience generating similar industry reports,  
6 for the purpose of improving the utility, accuracy, and  
7 timeliness of future reports.”.

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